

**Remarks/Arguments:**

This is a reply to the non-final office action of April 7.

A clarifying amendment is made above to claim 14.

Reconsideration of the application is requested. Kindly take into account the following remarks.

In response to an initial restriction requirement, claims 1 - 7 were canceled.

In the first substantive office action mailed November 14, 2006, claims 8 - 16, 18 and 19 were rejected as anticipated by Diamantopoulos et al., claims 8 and 15 - 17 were rejected as anticipated by Lai et al., and claim 20 was rejected as obvious over Diamantopoulos et al. in view of Welton. In response, we rewrote claim 14 in independent form and argued that Diamantopoulos (a) did not disclose a device having multiple cluster probes (arrays), and (b) did not disclose a device which include multiple protocols for different parts of the body, as recited in claim 14.

In the second office action mailed September 12, 2007, claims 8 - 13 were rejected as anticipated by Diamantopoulos et al., and claims 14 - 20 were allowed. In response, we canceled claims 8 - 13, to expedite prosecution of the application which had then been pending for almost four years.

But in a third office action mailed April 7, 2008, claims 14 - 20 were rejected on a new ground (obviousness over Diamantopoulos et al. in view of McDaniel). The examiner reasoned that "McDaniel discloses an alternative treatment apparatus and methods of use for treating various dermatological conditions using electromagnetic

energy wherein suitable treatment energies are selected for the various dermatological conditions being treated.” He concluded that therefore

“it would have been obvious to one of ordinary skill in the art to modify Diamantopoulos et al. in view of McDaniel and select treatment energy parameters suitable for the desired tissue, skin condition as claimed.”

We agree with the examiner’s characterization of McDaniel’s disclosure, with the exception that it really does not disclose any apparatus. We agree that McDaniel teaches that one can select treatment energy parameters to treat various conditions. However, we do not agree that that teaching would have led one to modify Diamantopoulos’ apparatus to include

“multiple independently operable arrays of both visible and invisible light emitting devices ... wherein each of said light source arrays is controlled automatically by a respective one of plural preset protocols, each said protocol defining wavelength, intensity, dosage and treatment values suitable for treatment of a different part of the body”

as recited in claim 14.

The examiner is respectfully invited to identify passages in McDaniel which:

(a) describe treating different parts of the body, (b) disclose providing automatic control of light source arrays by respective preset protocols for different parts of the body, and (c) suggest making an apparatus having multiple independently operable arrays of both visible light emitting devices and invisible light emitting devices.

In our opinion, McDaniel does not provide disclosure sufficient to lead one from Diamantopoulos to the invention now claimed.

By providing an apparatus having pre-programmed light therapy implements of different types for different parts of the body, the invention provides the therapist with a more convenience and useful tool.

We respect the inventors of the cited patents for the valuable contributions they have made to the emerging field of light therapy, and acknowledge that the present inventor neither invented neither the concept of light therapy nor made the first device for implementing it. However, we submit the present inventor's contribution to this field, recited in claim 14, was not obvious from the prior art of record and is patentable over the references.

Respectfully,

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